IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRTIT PETITION NO.446 OF 2005

1. Mrudang s/o Dilip Goradia
& Anr. ...Petitioners.

V/s

The State of Maharashtra
Thr. Inspector of Police,
GB.CB.CID, Mumbai. ...Respondent.

Mr. I.A. Bagaria for the petitioners.

Mr. A.S. Shitole, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 1st March, 2005

P.C.

1. This is a joint petition filed by the complainant and the accused for quashing the Criminal Case being C.R. No.71 of 2004 registered by the G.B.C.B., CID, Unit V/Cr for the offence punishable under sections 409, 420, 467 and 471 of the Indian Penal Code.

2. Pursuant to the directions given by this Court on 25/2/2005, the petitioner No.2 has filed his affidavit reiterating and accepting the contentions and averments which are made in the Criminal Writ Petition. The Petitioner No.2 was present in the Court in person on the last date and he admitted that he had received the entire amount from the petitioner No.1 towards full and final settlement of all his dues and he has no claim against the petitioner No.1. He

has stated that he does not wish to prosecute the petitioner No.1.

3. Though the offence in question is a noncompoundable offence as per the provisions of section 320 of the Criminal Procedure Code yet, the inherent power of the High Court is not curtailed by the said provision while exercising its jurisdiction under section 482 of the Criminal Procedure Code. I am satisfied that the parties have finally resolved their dispute and both the parties were present in the Court when the pay-slip was given to petitioner No.2. In view of this Criminal Case being C.R. No. 71 of 2004 registered by G.B.C.B., CID, Unit V/Cr is quashed and set aside. Investigating Officer to hand over the documents to the concerned parties.

4. Petition is allowed in the above terms.

V.M. KANADE, J.